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of reputation, and no doubt made use with rare skill of the evidence presented by their witnesses. They further introduced three points, which had little foundation in law, but which might have a material influence upon the feelings of the jury, if stated with rhetorical power. The first of these was that one who confessed to having committed homicide deserved death<sup>46</sup>. Under the American rules of evidence in criminal cases a confession, if made absolutely voluntarily, is admissible as evidence. But an uncorroborated confession is not sufficient to justify conviction. The *corpus delicti* must still be plausibly shown by other evidence. This consists in testimony that certain acts of the accused were directed against the person of the deceased, and that the death of the deceased was the result thereof. There is nothing to show that Milo had made a voluntary confession; he had simply not denied the patent fact that Clodius met his death at the hands of Milo's followers. The treatment of this question by Cicero indicates that the Roman law was precisely the same as the English and the American, and, therefore, it would still be necessary for the prosecution to show that Milo was actuated by malice, and that he was the aggressor in the fatal difficulty<sup>47</sup>.

The second point was that the action of the senate showed that its opinion was unfavorable to Milo<sup>48</sup>. It had first passed the *senatus consultum ultimum*, thereby implying that Milo was a dangerous man, in whose case unusual precaution must be taken. Then, upon motion of Pompey, it had passed a bill creating a *quaestio extraordinaria*, although there already existed *quaestiones vel de caede vel de vi*<sup>49</sup>. The Lex Plautia of 89 B. C. established a *quaestio perpetua de vi*. Thus the senate indicated its belief that through intimidation or bribery Milo, although guilty, would escape conviction at the hands of an ordinary jury.

As a third point the counsel for the prosecution maintained that the action of Pompey proved that he believed Milo guilty<sup>50</sup>. His rogation showed his opinion on both the fact and the law, for he would not have introduced into the senate his bill demanding an investigation had he not felt that the killing of Clodius was a particularly atrocious matter. Drusus had been slain, and no extraordinary court was established; Africanus was slain, and an extraordinary court was not considered necessary. But the slaying of Clodius, on the Appian Way, and among ancestral monuments (for the road was built by his ancestors), was atrocious, and called for unusual treatment. There must be no means open for the murderer to escape conviction. Pompey showed his feeling also in the selection of jurors, for those were not included who were Cicero's friends.

The prosecution then rested its case, and the summing up for the defense began. The counsel for the defense were Hortensius, Marcellus, Calidius, Faustus

Sulla, and Cicero<sup>51</sup>. Together they formed the most eminent group of forensic orators of the day in Rome. Cicero was chosen to make the sole speech summing up for the defense, but he was frightened by the hostile mob, and by the sight of soldiers surrounding the court, and made a miserable failure<sup>52</sup>. The speech we have is not the speech he delivered, nor the one he prepared for delivery. Certain points in it seem clearly to have been suggested by the argument of counsel for the prosecution. The extant oration enjoyed an excellent reputation in antiquity<sup>53</sup>, and has been greatly admired by modern lawyers.

(To be concluded)

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### REVIEWS<sup>1</sup>

Aegean Days. By J. Irving Manatt. London: John Murray (1913). Reprinted by Houghton Mifflin Company: Boston (1914). Pp. xii + 405. \$3.00.

The English and American editions of this book are identical, except that the American issue has a little sketch map, which is not in the London work. The work contains a very attractive series of essays, some of which have already appeared in magazines, on the Aegean islands of Andros, Tenos, Naxos, Paros, Ceos, Lesbos, and Chios, though we miss many other important Aegean islands, such as Cos. There is also a chapter on Troy and on the island cruise to Aegina, Euboea, Delos, Myconos, Samos, which Dr. Dörpfeld used to conduct. From the title one would not suspect that the final chapters deal with Ithaca and Leucas and Dörpfeld's theory that Leucas is the Homeric Ithaca. The first chapter is dated in 1899, and the last in 1905; so that there are some inconsistencies between them. In fact, the main criticism to be made is that many of the twenty-eight chapters are a little antiquated, since they were written twenty years ago ("last year", on page 189, means 1892), and do not take account of recent excavations at Tenos, Delos, Paros, Samos, Oropus, etc. It surprises the recent visitor to Greece to read (141) that 350,000 drachmae is \$50,000, instead of \$70,000. Yet it is only just to say that in most cases a foot-note corrects the wrong statement in the text (compare pages 132, 167, 191, 214, etc.). Nor is much attention paid to recent publications. Inscriptions are often mentioned, but no reference is given to the *Inscriptiones Graecae* XII, where they are published. So, to cite only one instance, the Isis hymn mentioned on page 64 was well published in *Inscriptiones Graecae* XII, v, 739, as long ago as 1903; as early as 1896 the marble containing the hymn was cleaned of the whitewash mentioned by

<sup>46</sup>Asc. 35.

<sup>47</sup>Asc. 42; Plutarch, Cicero 35; Dio Cassius 40. 54.

<sup>48</sup>The speech delivered was also known in antiquity.

<sup>1</sup>This review was in hand long before Professor Manatt's lamented death, but in the pressure of reviews on the space of THE CLASSICAL WEEKLY no place could be found for it before this issue. C. K.

<sup>46</sup>Milo 7 ff.

<sup>47</sup>Compare Greenidge, *Legal Procedure*, 464.

<sup>48</sup>Milo 12 ff.

<sup>49</sup>Milo 13.

<sup>50</sup>Milo 15 ff.

Professor Manatt. The hymn does not date from the fourth or the third century B. C., but from about the time of Augustus; it was originally published in the *English Classical Journal*, not in the *Classical Museum*. Rather undue prominence is given to Andros, since the entire first part of the book (Chapters I-XXI) is given up to an account of an Andrian summer (1892) with excursions to some of the nearer Cyclades. Although this part is now somewhat superseded by Saucius's profusely illustrated work on Andros of 168 pages and 77 illustrations, it is still valuable not only to the general student but to the scholar who may some day excavate on Andros and write its final history.

Professor Manatt has a very happy English style, and combines in an unusual and attractive manner the historical, literary, archaeological and personal features of the Cyclades, in ancient, mediaeval, and modern times. He puts the Greek writers in their true topographical setting. His characterizations of Simonides (225 ff.) and Sappho (297 f.) are especially good, though Wilamowitz's Sappho und Simonides, and Miss Patrick's Sappho and the Island of Lesbos could not be used. Not all, however, would call Dionysios of Halicarnassus "another Dryasdust" (284). Professor Manatt displays great learning and a very wide knowledge of the continuity of the old and the new Hellenic culture. His book will appeal to all who desire a vital picture of the background of the many important historical and literary events which are associated with the Greek islands. It is full of good stories and accounts of interesting modern customs. In telling about the mutilation of a corpse in modern times, a parallel might have been drawn with the ancient practise of *μασχαλισμός* (compare Apollonius Rhodius 4. 477; Rohde, *Psyche*, 1. 326). The idea (366) that the Olympic games were established on Mt. Olympus is not limited to freshmen, but is wide-spread. I heard it the other day in a sermon and it occurs in books like Miss Whiting's *Athens*, the *Violet Crowned*. Only one who has lived long in the Greek atmosphere and learned to understand the Greeks, ancient and modern, could give us such vivid word-pictures as does Professor Manatt, who was consul for four years at Athens, and who visited Greece many times, and who by long teaching and study drank deeply of Hellenic culture from Homer to the modern Greek ballad. We congratulate Brown University on producing in the Classical Department such ideal books of travel as the Allinsons' *Greek Lands and Letters*, Mrs. Allinson's *Roads from Rome*, and Manatt's *Aegean Days*. Such books, to which Mrs. Bosanquet's *Days in Attica* is a recent addition from Great Britain, are not merely popular, but are full of sound learning and instructive.

Professor Manatt's book is unusually free from the errors which are so common in works of this kind. The fact that the book was printed in London, and the proofs corrected in Athens, probably accounts for the presence of a few minor slips.

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DAVID M. ROBINSON.

*Architecture and the Allied Arts: Greek, Roman, Byzantine, Romanesque, and Gothic.* By Alfred M. Brooks. Illustrated from Photographs. Indianapolis: The Bobbs-Merrill Company (1914). Pp. x + 258: 158 Illustrations. \$2.50.

Professor Brooks, of the University of Indiana, in a volume entitled *Architecture and the Allied Arts* has given to the general public a certain amount of information about ancient and medieval architecture and none at all about the allied arts except sculpture. The title is thus quite misleading. With regard to the text it may be said that it appears to be made up of lectures to College students, and, as the average College student is deplorably ignorant about art, the treatment is correspondingly elementary. The critical appreciations are based on the standard text-books, and there is no evidence of first-hand acquaintance with the buildings described, or of personal impressions or of original reasoning upon the facts presented. The illustrations are excellent, but most confusingly arranged, without regard to the adjacent text or even to numerical sequence, making references to them in the text almost useless. It surely was due to an oversight—one cannot venture to charge it to ignorance—that on page 53 the plan of the pseudo-dipteral temple at Selinus was inserted as a plan of the Parthenon!

Professor Brooks is an enthusiastic admirer of Viollet-de-Duc, whom he seems to consider the first and sole reviver of interest in medieval art; Pugin and Button and Willis, du Sommerard and Baron Taylor seem to have been quite overlooked in thus giving all the credit to the author of the *Dictionnaire Raisonné*! One could wish that he had followed the Frenchman's example in logical arrangement or due development of his subject. The matter is arranged in neither a clearly analytical nor a chronological sequence, and there results a confusion of plan paralleling the singular confusion of the illustrations.

In the discussion of the classical prelude to medieval art, architecture and sculpture are treated not as allied but as wholly distinct arts. We may be thankful to Professor Brooks for refusing to hold Roman architecture—as do so many who repeat out-of-date traditional estimates—to be a mere copying and debasement of Greek architecture. The Roman achievement in original planning and in grandiose construction is suitably acknowledged.

It is with regret that one must pronounce that this well-meant attempt at popularizing the fine arts is on the whole a mistake. The author's knowledge of construction is incomplete—or he would not, among other errors, have declared that the arch and post and lintel are the only possible forms of construction, ignoring alike the truss and all cohesive constructions; nor would he have defined the pendentive as a "bracket" of masonry. Such errors go with failure to grasp the true significance of architectural developments. The medieval allied art of stained glass is ignored, and its profound and revolutionary influence on Gothic style